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 25 TORRICO, BONNIE JEAN TORRICO AND  
 26 CARLOS TORRICO

27 UNITED STATES DISTRICT COURT

28 NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF NICHOLAS TORRICO  
 deceased, BONNIE JEAN TORRICO  
 individually and as successor in interest to  
 the Estate Of Nicholas Torrico and  
 CARLOS TORRICO, individually and as  
 successor in interest to the ESTATE OF  
 NICHOLAS TORRICO,

Case No. 07-CV-03624-JCS

**JOINT STIPULATION RE  
 CONTINUANCE OF DISCOVERY,  
 PRETRIAL AND TRIAL DATES;  
 [PROPOSED] ORDER**

Trial Date: Feb. 2, 2009

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
 FRANCISCO, VICTOR WYRSCH and  
 JOANNE HAYES-WHITE in her official  
 capacity as Chief of the San Francisco  
 Fire Department, and DOES 1 through 20,

Defendants.

The parties submit this Joint Stipulation and [Proposed] Order seeking a continuance of the discovery and pretrial dates. Despite diligently pursuing discovery to date, the parties need additional time to complete discovery. The continuance of the discovery cut-off date will also necessitate a continuance of the other pretrial and trial dates, as further described below.

## **GOOD CAUSE**

The parties have diligently pursued discovery to date. The parties have exchanged initial disclosures, written discovery (including interrogatories and document requests), subpoenaed third-party records, and taken the depositions of six key parties and witnesses in anticipation of the upcoming mediation, set for April 10, 2008. (The parties are not asking to continue the mediation or the Further Case Management Conference, scheduled for April 19, 2008.) The parties have also scheduled depositions of eight additional City employees, family members and third-party witnesses after the mediation date of April 10, 2008. More specifically, the parties are set to take depositions of parties and witnesses on April 14, 18, 21, 23, 24, 25 and 29, 2008. In addition to the scheduled depositions, each party anticipates taking a number of additional party and third-party witness depositions before the discovery cut-off. Given the already crowded deposition schedule, and other calendar conflicts of counsel and witnesses (including vacations and scheduled trials), the parties need additional time to schedule the depositions, serve additional third-party witnesses with deposition subpoenas and complete the depositions.

The parties have met and conferred and agreed that based on their calendars, a two month continuance of the discovery deadline should ensure the parties' ability to complete discovery. The parties also request a continuance of the associated pretrial and trial dates. First, a two-month continuance of the discovery cut-off necessarily requires a continuation of the expert discovery deadlines and dispositive motion deadlines. Second, the parties anticipate that defendants will file a summary judgment motion. Accordingly, the parties request a continuance of the pretrial and trial dates, because the parties: 1) want to ensure the Court has adequate time to consider and rule on the summary judgment motion before the parties and/or the Court expend considerable time and

1 resources on the pretrial filings; and 2) respectfully desire a continuance of the December 24, 2008  
 2 pretrial filing deadline so as not to interfere with their holiday plans and vacations.

3 The parties submit this stipulation and proposed order now, instead of waiting for the Further  
 4 Case Management Conference on April 18, 2008. If the Court signs this the attached [Proposed]  
 5 Order, the parties can continue to actively serve subpoenas, discovery requests, and schedule  
 6 depositions. Without a signed order, however, the approaching discovery cut-off date would preclude  
 7 the further serving and scheduling of discovery until after the April 18, 2008 Further Case  
 8 Management Conference (assuming the Court were to grant a continuance at that time).

#### 9 STIPULATION

10 The parties agree that there is good cause to continue the pretrial and trial dates in this matter.  
 11 Accordingly, the parties stipulate to, and hereby request a continuance of the pretrial and trial dates in  
 12 this matter as follows:

13 <b>Deadline</b>	14 <b>Current Date</b>	15 <b>New Date</b>
16 Close of non-expert discovery	5/2/08	7/4/08
17 Expert disclosures due	6/6/08	8/8/08
18 Expert rebuttal disclosures due	7/1/08	9/12/08
19 Last day to file dispositive motions	8/1/08	10/3/08
20 Expert discovery cut-off	8/8/08	10/10/08
21 Last day to file oppositions to dispositive motions	8/15/08	10/17/08
22 Last day to file reply on dispositive motions	8/22/08	10/24/08
23 Last day to hear dispositive motions	9/5/08	11/7/08
24 Pretrial filings (as specified in Court's pretrial order)	12/24/08	2/25/09
25 Serve oppositions to Motions in Limine	1/6/09	3/10/09
26 Last day to file objections to exhibits	1/6/09	3/10/09
27 Submit order for admission of equipment to courthouse	1/10/09	3/13/09
28 File motions in limine and oppositions with Court	1/9/09	3/13/09
Final Pretrial Conference, 1:30 p.m.	1/16/09	3/20/09

Last day to make arrangements for daily transcript, etc.	1/23/09	3/27/09
TRIAL (8:30-1:30 M-Th)	2/2/09	4/6/09

## **IT IS SO STIPULATED:**

Dated: April 1, 2008

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Attorney  
BLAKE P. LOEBS  
KIMBERLY A. BLISS  
Deputy City Attorneys

By: /s/ Kimberly A. Bliss  
**KIMBERLY A. BLISS**

Attorneys for Defendants CITY AND COUNTY OF  
SAN FRANCISCO, VICTOR WYRSCH AND  
JOANNE HAYES-WHITE

Dated: April 1, 2008

## CASPER, MEADOWS, SCHWARTZ & COOK

By: /s/ Michael D. Meadows  
**MICHAEL D MEADOWS**

Attorneys for Plaintiffs ESTATE OF NICHOLAS  
TORRICO, BONNIE JEAN TORRICO AND CARLOS  
TORRICO

Pursuant to General Order 45, §X.B., the filer of this document attests that she has received the concurrence of this signatory to file this document.

## [PROPOSED] ORDER

Based on the Stipulation of the parties and good cause appearing therefore, the pretrial and trial dates in this matter are continued as follows:

<b>Deadline</b>	<b>Current Date</b>	<b>New Date</b>
Close of non-expert discovery	5/2/08	7/4/08
Expert disclosures due	6/6/08	8/8/08
Expert rebuttal disclosures due	7/1/08	9/12/08
Last day to file dispositive motions	8/1/08	10/3/08
Expert discovery cut-off	8/8/08	10/10/08
Last day to file oppositions to dispositive motions	8/15/08	10/17/08
Last day to file reply on dispositive motions	8/22/08	10/24/08
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Serve oppositions to Motions in Limine	1/6/09	3/10/09
Last day to file objections to exhibits	1/6/09	3/10/09
Submit order for admission of equipment to courthouse	1/10/09	3/13/09
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TRIAL (8:30-1:30 M-Th)	2/2/09	4/6/09

## **IT IS SO ORDERED.**

Dated: \_\_\_\_\_

**HONORABLE JOSEPH C. SPERO**  
United States Magistrate Judge